

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Tara R. Blanton,

Case No. 3:18 CV 1761

Plaintiff,

ORDER ADOPTING
REPORT AND RECOMMENDATION

-vs-

Commissioner of Social Security,

JUDGE JACK ZOUHARY

Defendant.

Plaintiff Tara Blanton applied for disability-related Social Security benefits over six years ago (Doc. 11 at 141, 158). She allegedly suffers from various mental and physical ailments, including depression, migraines, and chronic muscle and joint pain (*id.* at 163). Administrative Law Judge (“ALJ”) Thomas Wang denied her applications in 2014 (*id.* at 30), a decision the Social Security Appeals Council declined to review (*id.* at 8). Blanton then challenged the denial in federal district court (*id.* at 700). The court remanded the case in 2016, ruling the ALJ “failed to give good reasons for rejecting the opinions of [Blanton’s] treating physicians, Drs. Parminder Singh and Bipin Desai” (*id.* at 718).

Blanton’s second appearance before the ALJ produced the same result as the first. ALJ Wang again denied Blanton’s applications for benefits (*id.* at 613), the Appeals Council again declined to review the denial (*id.* at 551), and Blanton again sought judicial review (Doc. 1). In a Report and Recommendation (“R&R”), Magistrate Judge George Limbert concluded the case should be remanded a second time (Doc. 18 at 24–25). The rationale is familiar: “the ALJ failed to provide

good reasons for affording less than controlling weight to the opinions of Dr. Desai [and Dr. Singh]” (*id.* at 24).

The R&R notified the parties of the deadline for objections (*id.* at 25). The deadline has passed, and no objection has been filed. Therefore, this Court adopts the R&R in its entirety. *See Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995); *United States v. Walters*, 638 F.2d 947, 950 (6th Cir. 1981). However, this Court supplements the R&R as follows: On remand, this matter shall not be referred to ALJ Wang. A fresh set of eyes is appropriate. *Cf. Lucia v. SEC*, 138 S. Ct. 2044, 2055 (2018) (ordering that different ALJ adjudicate claim on remand); *Burgoyne v. Comm’r of Soc. Sec.*, 2010 WL 955884, at *4 (E.D. Mich. 2010) (same). In accordance with the R&R, the new ALJ shall either (1) assign controlling weight to the opinions of Dr. Desai and Dr. Singh or (2) articulate “good reasons” for assigning less-than-controlling weight.

Case remanded under 42 U.S.C. § 405(g) (sentence four).

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U. S. DISTRICT JUDGE

August 30, 2019